



ATTACHMENT 1

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANT: John Melvin, et al.

TITLE: Mobile Transfilling System

SERIAL NO.: 10/711,787

ART UNIT: 3751

FILING DATE: 10/05/04

EXAMINER: Maust, Timothy Lewis

DOCKET NO.: 10,607.001

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.132 DECLARATION OF BARRY BLACKBIRD WITH REGARD TO THE  
INOPERABILITY OF THE PRIOR ART / THE LONG-FELT NEED IN THE  
INDUSTRY FOR APPLICANT'S INVENTION**

I, BARRY BLACKBIRD, of full age and majority, residing at 18940 SE 65<sup>th</sup> St., Newall, OK 74857, do hereby declare as follows:

1. I am the regional manager of B & B Medical Services Inc. (B & B Medical). I have been employed by B&B for the past 31 years.
2. B&B Medical is a home healthcare equipment supplier, including equipment such as oxygen canisters. B&B Medical has VA contracts all over the United States.
3. B&B is currently utilizing the applicants' services.
4. Prior to utilizing applicants' services, B&B Medical was required to hire laborers to pick up our tanks for re-filling, these laborers in turn taking our canisters to ground-based re-filling stations.

## ATTACHMENT 1

5. The turn around time for re-filling our canisters, utilizing these ground-based re-filling stations was at least a week.
6. This in turn required B&B Medical to keep additional canisters so that we could continue to operate and supply canisters to our patients, while we waited for the return of our replenished canisters.
7. Furthermore, many of B&B Medical's canisters were never returned to us by the ground-based re-filling stations, requiring us to purchase even more canisters.
8. Over the years, this resulted in financial loss to B&B Medical as well as a decreased operating efficiency. In short, we spent considerable time and effort in an attempt to alleviate these problems. .
9. In January of 2007, B&B Medical became a client of the applicants' services through C&M Oxyfill, then in July 2008 through P&J Oxyfill which is licensed to operate through C&M Oxyfill, and took over their route at this time.
10. The use of applicants' mobile Transfilling method has allowed B&B Medical to retain possession of our canisters while they are inspected and re-filled on our premises.
11. Furthermore, the entire re-filling operation has become quicker and more efficient by having it performed on our premises. Instead of taking week, our canisters can generally be re-filled within an hour.
12. In addition, the use of applicants' method has obviated the need to purchase extra canister-inventory as applicants' method obviates the possibility that our canisters will become lost, or misplaced, or inadvertently transferred to another medical supply company during the Transfilling process, as was often the case when B&B medical was utilizing ground-based supplying stations. As a result of the use of

ATTACHMENT 1

applicants mobile re-filling system, B&B Medical has experienced both operations efficiency as well as financial benefits.

13. B&B Medical has also employed applicants' services for an additional recognized benefit, namely that in time of emergency situations, fixed-location/ground-based re-filling stations can become flooded and or lose power, and thus become inoperable. This in turn adversely affects the ability of medical equipment supply companies, such as ours, to provide medical oxygen to needy patients at home. However, the use of applicants' mobile Transfilling method obviates this concern as applicants' method allows them to transport their filling station to our locations at virtually any time.

14. In summary, the applicants' method has finally satisfied a long-felt, but previously un-met need in the industry.

Barry Blackbird states that the facts set forth in this declaration are true; that all statements made herein of his own knowledge are true and that statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Sections 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent resulting therefrom.

Barry Blackbird

Barry Blackbird, Regional Manager for B&B Medical Services, Inc.

10-1-09  
Date